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FRIEND FINED BY HOEGER.
THE CORONER ADJUDGES THE LAWYER
IN CONTEMPT.

A LIVELY TILT AT THE THOMPSON INQUEST—A FINE OF \$250 INFILTRATED, BUT IT IS NOT PROBABLE THAT ANY ACTION WILL BE TAKEN TO COLLECT IT.

There was a lively tilt at the Coroner's office yesterday afternoon at the inquest regarding the cause of the death of Dennis Thompson, who died last Thursday. It is alleged, as the result of having been clubbed by Policeman John Rooney, of the West Thirty-seventh-st. station, the question was between E. M. Friend, a lawyer, who appeared for Rooney, and Coroner Hoeber, who was conducting the investigation. In the end Mr. Friend got the worst of it, for the Coroner adjudged him in contempt, imposed on him a fine of \$250, and placed him in the custody of an officer until the fine should be paid.

Police Captain Schmitzner was the first witness, and he gave the substance of Rooney's report to him after the death of Thompson. He said that Rooney found Thompson and two other men fighting at Thirty-first-st. and Seventh-ave., that he ordered them to move on, but that Thompson would not obey and was placed under arrest. Then he said, the latter ran into Blumenthal's saloon near by. Rooney followed and pulled the man out by the lapel of the coat, and on the sidewalk Thompson fell and expired. He said that he did not strike the man.

Policeman Drexel, who was with Rooney at the time of the arrest, corroborated the story of Rooney, except that he said Thompson did not fall.

Dr. B. N. Barrett, of Roosevelt Hospital, said that he was unable to find any bruises on Thompson, but that evidences of violence sometimes did not show themselves at once.

Thomas Murphy, of No. 29 West Thirty-second-st., told a different story. He was one of the men with Thompson. He said that they were not fighting, but that Rooney had alleged that they were talking about him. "To prevent trouble," said Murphy, "I took Thompson into the saloon. Rooney followed there and caught Thompson by the coat, pulling him to the door. At the door he struck him in the breast with his club. A crowd gathered and Thompson sank to the sidewalk after he and Rooney had proceeded a few steps from the door. I was so excited that I could not tell whether Rooney struck Thompson again or not."

Coroner Hoeber started to ask the witness whether he saw any marks on Thompson or not, and if he heard the testimony of Dr. Barrett concerning the nature of marks of violence.

Mr. Friend jumped to his feet and objected, saying that the Coroner was trying to get expert testimony from the witness.

"Your action is most presumptuous," said Mr. Friend.

The Coroner tried to argue the point with the lawyer, but the latter insisted that the Coroner was proceeding in the wrong way.

"If you continue in your action," said the Coroner, "I will dispense with your services."

"Suppose you start in and try it," said the lawyer.

"You are impudent beyond comparison," said Coroner Hoeber. "I will try this case as I think proper. I am not here by your dictation."

"Nor by my vote, either," said Mr. Friend.

"Both you and Mr. House are here for Rooney," said the Coroner. "Only one lawyer is allowed to appear for a prisoner. I should not allow you to remain here."

"Yes you will," said Mr. Friend.

"You behave beyond contempt," said Coroner Hoeber. "Don't carry your insolence to extreme or I will use my prerogative. I will adjourn this case till another time if you don't keep quiet."

"I will be here next time," retorted Mr. Friend.

"Perhaps not," said the Coroner.

"Your action is simply a disgraceful one," said the lawyer.

"I have heard such remarks before, and they have no effect," retorted the Coroner.

"And the more you hear them the less effect they have," said Mr. Friend. "Mr. Stenographer, I wish you to note—"

"Mr. Stenographer, don't you do anything except what I tell you?" shouted the Coroner. "You know our business!"

Both the Coroner and the lawyer seemed to be somewhat exhausted, and there was a short lull. The lawyer sat down and the Coroner proceeded to question him.

The Coroner had not proceeded far when Mr. Friend interceded again.

"The Judge of the court—" began the Coroner.

"That's all," said Mr. Friend. "No Judge ever sees what we are doing."

"Mr. Bourke," said the Coroner to a policeman, "bring this man before me for contempt of court." "And if you do," said the lawyer, "I will make a complaint against him before me for contempt of court."

"I'll do your duty," said the Coroner to the policeman.

"He is already before the law, Mr. Coroner," interrupted the policeman.

"Mr. Friend, you are in contempt of court," said the Coroner, "and unless you excuse yourself I will fine you. I have the jury to say whether the lawyer is right."

"I will not," said Mr. Friend.

"I will not, and until you pay it you are in custody of the officer," asserted Coroner Hoeber.

"My officer take charge of this man."

Coroner Hoeber went to his office, telling Mr. Friend that he was under arrest.

The policeman walked away with Mr. Friend. The court was adjourned for three-quarters of an hour.

Thomas McNamee, who testified before adjournment, was called, and the coroner's inquest adjourned. At this juncture the Coroner telephoned to the Elizabeth-st. police station and asked the captain to send another man to take Bourke's place. He also asked Mr. J. A. Assistant Corporation counsel to come to the office, so that he might question him as to the Coroner's right to fine Mr. Friend.

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The Coroner convened court again. Mr. Friend was back in his seat, and Mr. Hoeber was seated at the table, not cross-examining the witness. A number of other witnesses were called, and several of them swore that Rooney clubbed Thompson. Coroner's Physician Schmitzner testified that Thompson's death was due to concussion of the brain.

The jury found that Thompson came to his death from concussion of the brain, caused by a fall or blow inflicted in an unknown manner. They sent a telegram to the Coroner, ordering his removal to the Elizabeth-st. police station and asked the captain to send another man to take Bourke's place. He also asked Mr. J. A. Assistant Corporation counsel to come to the office, so that he might question him as to the Coroner's right to fine Mr. Friend.

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